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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,917	09/29/2003	Karl S. Johnson	MTIPAT.118C1C1	2090
20995 7590 07/10/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER ASSESSOR, BRIAN J	
			ART UNIT 2114	PAPER NUMBER
			NOTIFICATION DATE 07/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/675,917	Applicant(s) JOHNSON ET AL.	
	Examiner Brian J. Assessor	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-6 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 12, 14-21, 23-25, 29-42, and 45- 50 are rejected under 35 U.S.C. 103(a) as being anticipated by Martinez (6,188,973) in view of Giorio (5,905,867).

As per claim 7, Martinez teaches:

A computer monitoring and diagnostic system, comprising:
a computer having a housing; (Martinez column 5, lines 11-16)
wherein the computer includes a plurality of canisters, each of the canisters having a plurality of card slots, (Martinez column 5, lines 11-16)
wherein the computer further comprises a plurality of canister controllers;
(Martinez column 11, lines 32-39)

Martinez does not explicitly disclose a system wherein the canister controllers are configured to examine canister fan speeds associated with canister fans and to

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control the power to the canisters and if the canister fan speed of least one canister fan is below a threshold, the canister controller is configured to increase the canister fan speed of the at least one canister fan without user input

In column 7, line 53 – column 8 line 3, Giorgio clearly discloses a system which monitors fan speeds to make sure they correspond to a given value, when the fan speed is below that value it is increased. It would have been obvious to a person of ordinary skill in the art to include the fan monitoring system as taught by Giorgio in order to have an automated fan and temperature control system within a computer system. This would have been obvious because Giorgio teaches that the above method is better suited for improved power and environmental control within a network. (Giorgio column 2, lines 57-67)

As per claim 8, Martinez teaches:

The system of claim 7, wherein at least one of the canisters is removable from the computer. (Martinez column 6, lines 30-32)

As per claim 9, Martinez teaches:

The system of claim 7, additionally comprising a microcontroller which is configured to log conditions about the canister to a recording system. (Martinez column 11, lines 15-17)

As per claim 10, Martinez teaches:

The system of claim 9, wherein the microcontroller is configured to log messages to non-volatile random access memory. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 11, Martinez teaches:

A computer monitoring and diagnostic system, comprising:

a computer; (Martinez column 5, lines 11-16)

at least one sensor, located within the computer, configured to sense environmental conditions within the computer; (Martinez column 7, lines 11-16)

Martinez does not explicitly disclose a system wherein an actuator configured to modify an environmental condition of the computer without user input, the modification based at least in part on the environmental conditions sensed by the computer.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 12, Martinez teaches:

A computer monitoring and diagnostic system, comprising:

a computer, the computer comprising a plurality of networked microprocessors;

(Martinez column 5, lines 11-16)

at least one sensor, located within the computer, configured to sense conditions within the computer, the at least one sensor communicating with the plurality of networked microprocessors. (Martinez column 7, lines 11-16)

wherein at least one microprocessor of the plurality of networked microprocessors is configured to modify the condition of the computer based at least in part on the sensed condition; (Martinez column 11, lines 32-39)

Martinez does not explicitly disclose a systems wherein the modification is performed without user input.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area and without a users input. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 14, Martinez teaches:

The system of claim 12, wherein the computer is configured to maintain a system log in a non-volatile random access memory. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 15, Martinez teaches:

The system of claim 12, wherein sensing the conditions comprises monitoring the speed of a canister fan. (Martinez column 7, lines 11-16)

As per claim 16, Martinez teaches:

A computer monitoring and diagnostic system, comprising:
a computer, having a computing device, at least one cooling fan, and a housing;
(Martinez column 5, lines 11-16)

at least one sensor, located within the computer, configured to sense temperature conditions within the computer; (Martinez column 7, lines 11-16)

at least one microcontroller, located within the computer, wherein the microcontroller is configured to process requests for conditions from the computer and responsively provides sensed conditions to the computer, the at least one sensor communicating with the plurality of networked microprocessors. (Martinez column 8, lines 15-19)

wherein at least one microprocessor of the plurality of networked microprocessors is configured to modify the condition of the computer based at least in part on the sensed condition; (Martinez column 11, lines 32-39)

Martinez does not explicitly disclose a systems wherein the modification is performed without user input.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area and without a users input. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 17, Martinez teaches:

The system of claim 16, wherein the computer includes a plurality of canisters and the microcontroller is configured to control power to the canisters. (Martinez column 11, lines 32-39)

As per claim 18, Martinez teaches:

The system of claim 16, wherein the microcontroller is configured to control power to a slot. (Martinez column 11, lines 32-39)

As per claim 19, Martinez teaches:

The system of claim 16, wherein the microcontroller is configured to log conditions to a recording system. (Martinez column 11, lines 15-17)

As per claim 20, Martinez teaches:

The system of claim 16, wherein the microcontroller is configured to log messages to non-volatile random access memory. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 21, Martinez teaches:

The system of claim 16, wherein the microcontroller is configured to control the system power to the computer. (Martinez column 11, lines 32-39)

As per claim 23, Martinez teaches:

The system of claim 16, wherein one of the microcontrollers in the microcontroller network is connected to a canister. (Martinez figure 1, elements 26 and 28)

As per claim 24:

Martinez does not explicitly disclose a system wherein an actuator connected to the microcontroller, wherein the actuator is configured to modify an environmental condition of the computer.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better

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controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 25, Martinez teaches:

A microcontroller for diagnosing and managing the conditions of a computer, the microcontroller network comprising:

at least one microcontroller, located within the computer, wherein the microcontroller is configured to self-manage temperature conditions within the computer. (Martinez column 7, lines 11-16)

Martinez does not explicitly disclose a system wherein the microprocessor is further configured to increase fan speed of cooling fans located within the computer without used input if a temperature warning is indicated.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 29, Martinez teaches:

he microcontroller of claim 25, wherein the microcontroller is configured to check for system faults. (Martinez column 7 lines 11-16)

As per claim 30, Martinez teaches:

he microcontroller of claim 25, wherein the microcontroller is configured to maintain a system log in a non-volatile random access memory. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 31, Martinez teaches:

he microcontroller of claim 25, wherein a selected one of the at least one microcontroller is configured to monitor the speed of a canister fan. (Martinez column 7 lines 11-16)

As per claim 32, Martinez teaches:

A computer monitoring and diagnostic system, comprising:
a computer, having a plurality of computer-related components, wherein the components have associated environmental and systemic conditions; (Martinez column 7, lines 11-16)

at least one sensor configured to sense the environmental and systemic conditions, wherein the sensor is located within the computer; (Martinez column 7, lines 11-16)

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at least one microcontroller connected to the sensor and the computer. (Martinez column 7, lines 11-16)

Martinez does not explicitly disclose a system wherein the microprocessor is further configured to increase fan speed of cooling fans located within the computer without used input if a temperature warning is indicated.

In column 7, line 53 – column 8, line 3, Giorgio clearly discloses a system where the fan speed can be adjusted depending on the temperature of a given area. It would have been obvious to a person of ordinary skill in the art to include the environmental adjusting system as taught by Giorgio in order to create a better controlled computer system environment. This would have been obvious because Giorgio teaches that the above method is better suited for servicing and monitoring computer systems. (Giorgio column 2, lines 57-67)

As per claim 33, Martinez teaches:

The system of claim 32, wherein the microcontroller is located within the computer. (Martinez column 7, lines 11-16)

As per claim 34, Martinez teaches:

The system of claim 32, wherein the microcontroller is configured- to process requests for environmental or systemic conditions from the computer and is configured to responsively provide the environmental or systemic conditions to the computer. (Martinez column 10, lines 48-51)

As per claim 35, Martinez teaches:

The system of claim 32, wherein the computer-related components comprise at least one component selected from the group consisting of: a system board, a central processing unit (CPU), a CPU fan, a backplane board, a backplane fan, a chassis, a chassis fan, a canister, a canister fan, a PCI card, and a PCI card fan. (Martinez column 7, lines 11-16)

As per claim 36, Martinez teaches:

The system of claim 32, wherein the sensor is configured to detect the temperature levels of selected ones of the computer-related components. (Martinez column 7, lines 11-16)

As per claim 37, Martinez teaches:

The system of claim 32, wherein the sensor is configured to detect the speed of a fan intended to cool down selected ones of the computer-related components. (Martinez column 7, lines 11-16)

As per claim 38, Martinez teaches:

The system of claim 32, wherein the sensor is configured to detect the voltage level applied to selected ones of the computer-related components. (Martinez column 7, lines 11-16)

As per claim 39, Martinez teaches:

A method of monitoring and diagnosing a computer connected to a microcontroller, the method comprising:

receiving from a source a request for the conditions of the computer; (Martinez column 8, lines 15-19)

sensing the environmental conditions of the computer with the microcontroller; (Martinez column 8, lines 15-19)

receiving the sensed environmental conditions in the microcontroller; (Martinez column 8, lines 15-19)

communicating the sensed environmental conditions from the microcontroller to the source of the request. (Martinez column 8, lines 15-19)

sending a command to modify the environmental conditions of the computer based at least in part on the sensed environmental conditions. (Martinez column 11, lines 32-39)

Martinez does not explicitly disclose a system wherein the command is not associated with user input.

In column 7, line 53 – column 8 line 3, Giorgio clearly discloses a system which monitors fan speeds to make sure they correspond to a given value, when the fan speed is below that value it is increased, without a users input. It would have been obvious to a person of ordinary skill in the art to include the fan monitoring system as taught by Giorgio in order to have an automated fan and temperature control system

within a computer system. This would have been obvious because Giorgio teaches that the above method is better suited for improved power and environmental control within a network. (Giorgio column 2, lines 57-67)

As per claim 40, Martinez teaches:

The method of claim 39, wherein sensing the conditions of the computer with the microcontroller comprises detecting a temperature inside the computer. (Martinez column 7, lines 11-16)

As per claim 41 and 42, Martinez teaches:

Claims 41 and 42 respectively are system claims corresponding to the method claims 39 and 38. Therefore, Claims 41 and 42 are rejected for the same rational set forth in claims 39 and 38.

As per claim 45, Martinez teaches:

A computer monitoring and diagnostic system, comprising a computer, having a computing device and a housing;

at least one sensor, located within the computer, configured to sense conditions within the computer; (Martinez column 8, lines 15-19)

at least one microcontroller, located within the computer, connected to the sensor and the computer, wherein the microcontroller is configured to process requests for

conditions from the computer and responsively provides sensed conditions to the computer. (Martinez column 8, lines 15-19)

Martinez does not explicitly disclose a system wherein the message is not associated with user input.

In column 7, line 53 – column 8 line 3, Giorgio clearly discloses a system which monitors fan speeds to make sure they correspond to a given value, when the fan speed is below that value it is increased, without a users input. It would have been obvious to a person of ordinary skill in the art to include the fan monitoring system as taught by Giorgio in order to have an automated fan and temperature control system within a computer system. This would have been obvious because Giorgio teaches that the above method is better suited for improved power and environmental control within a network. (Giorgio column 2, lines 57-67)

As per claim 46, Martinez teaches:

The system of Claim 1, wherein the computer includes a plurality of canisters and the microcontroller is configured to control power to the canisters. (Martinez column 11, lines 32-39)

As per claim 47, Martinez teaches:

The system of Claim 1, wherein the microcontroller is configured to control power to a slot. (Martinez column 11, lines 32-39)

As per claim 48, Martinez teaches:

The system of Claim 1, wherein the microcontroller is configured to log conditions to a recording system. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 19, Martinez teaches:

The system of Claim 1, wherein the microcontroller is configured to log messages to non-volatile random access memory. (Martinez column 10, lines 17-22; column 11, lines 15-17)

As per claim 50, Martinez teaches:

The system of Claim 1, wherein the microcontroller is configured to control the system power to the computer. (Martinez column 11, lines 32-39)

Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being anticipated by Carbonneau (5,586,250) in view of Giorgio (5,905,867).

As per claim 43, Carbonneau teaches:

A method of monitoring system functions of a computer, the method comprising:
controlling a plurality of environmental conditions of the computer using at least one microcontroller, the at least one microcontroller interconnected to a microcontroller network; (Carbonneau column 20, lines 15-38)

receiving a message sent from the system bus to the interconnected microcontroller, the message requesting a change in a selected one of the plurality of environmental conditions; (Carbonneau column 20, lines 15-38)

sending a message from the interconnected microcontroller to the system bus, the message indicating a change in the selected one of the plurality of environmental conditions. (Carbonneau column 20, lines 15-38)

Carbonneau does not explicitly disclose a system wherein the command is not associated with user input.

In column 7, line 53 – column 8 line 3, Giorgio clearly discloses a system which monitors fan speeds to make sure they correspond to a given value, when the fan speed is below that value it is increased, without a users input. It would have been obvious to a person of ordinary skill in the art to include the fan monitoring system as taught by Giorgio in order to have an automated fan and temperature control system within a computer system. This would have been obvious because Giorgio teaches that the above method is better suited for improved power and environmental control within a network. (Giorgio column 2, lines 57-67)

As per claim 44, Carbonneau teaches:

The method of claim 43, wherein the environmental conditions comprise a temperature inside the computer. (Carbonneau column 20, lines 15-6 and 35-38)

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (6,188,973) in view of Giorgio (5,905, 967) further in view of Ghislain Gabriel Vecoven (2004/0210800).

As per claim 22:

Martinez fails to explicitly disclose wherein the microcontroller is connected to an I2C bus.

In paragraph 0083, Ghislain Gabriel Vecoven clearly discloses a system wherein I2C bus is commonly used when monitoring environmental conditions by a processor. It would have been obvious to a person of ordinary skill in the art to include the I2C bus as taught by Ghislain Gabriel Vecoven for ease of communication of environmental information. This would have been obvious because Ghislain Gabriel Vecoven teaches that the above method is better suited for hardware fault management in a computer system. (Ghislain Gabriel Vecoven paragraph 0003)

Claims 13, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (6,188,973) in view of Giorgio (5,905, 967) further in view of Lui (5,337,413).

As per claim 13:

Martinez does not explicitly disclose a system wherein sensing the conditions comprises checking for a microcontroller bus time-out.

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In column 6, lines 19-22, Lui clearly teaches a system which the processor can monitor for a bus time-out. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the monitoring system as taught by Lui on order to check for time-outs. This would have been obvious because Lui teaches that the above method is better suited for a more efficient health monitoring system. (Lui column 3, lines 30-38)

As per claim 26:

Martinez does not explicitly disclose a system wherein sensing the conditions comprises checking for a microcontroller bus time-out.

In column 6, lines 19-22, Lui clearly teaches a system which the processor can monitor for a bus time-out. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the monitoring system as taught by Lui on order to check for time-outs. This would have been obvious because Lui teaches that the above method is better suited for a more efficient health monitoring system. (Lui column 3, lines 30-38)

As per claim 27:

Martinez does not explicitly disclose a system wherein the microcontroller is configured to check for a manual system board reset.

In column 5, lines 1-14, Lui clearly teaches a system that checks for numerous different reset signals. It would have been obvious to a person of ordinary skill in the

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art at the time of invention to include the reset checking system as taught by Lui on order to allow for monitoring for multiple reset signals. This would have been obvious because Lui teaches that the above method is better suited for a more efficient health monitoring system. (Lui column 3, lines 30-38)

As per claim 28:

Martinez does not explicitly disclose a system wherein the microcontroller is configured to check for software reset command.

In column 5, lines 1-14, Lui clearly teaches a system that checks for numerous different reset signals. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the reset checking system as taught by Lui on order to allow for monitoring for multiple reset signals. This would have been obvious because Lui teaches that the above method is better suited for a more efficient health monitoring system. (Lui column 3, lines 30-38)

Response to Arguments

Applicant's arguments with respect to claims 7-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Assessor whose telephone number is (571) 272-0825. The examiner can normally be reached on M-F 9:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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BA



SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER